

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-20377 CR-MORENO
21 USC 952(a)
21 USC 841(a)(1)

MAGISTRATE JUDGE
GARBER

UNITED STATES OF AMERICA

v.

EMANUEL BISONO

02 APR 25 2002
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
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INDICTMENT

The Grand Jury charges that:

COUNT I

On or about April 10, 2002, at Miami International Airport, in Miami-Dade County,
in the Southern District of Florida and elsewhere, the defendant,

EMANUEL BISONO,

did knowingly and intentionally import into the United States, from a place outside thereof,
a Schedule I controlled substance, that is, one hundred grams or more of a mixture and
substance containing a detectable amount of heroin; in violation of Title 21, United States
Code, Sections 952(a) and 960(b)(2).

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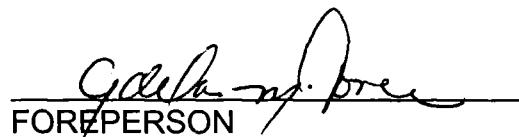
COUNT II

On or about April 10, 2002, at Miami International Airport, in Miami-Dade County, in the Southern District of Florida and elsewhere, the defendant,

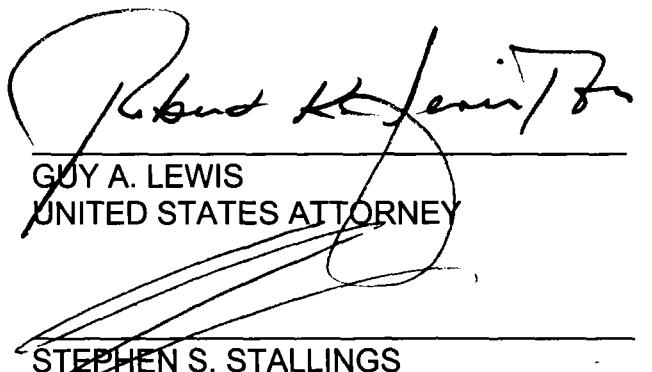
EMANUEL BISONO,

did knowingly and intentionally possess with intent to distribute a Schedule I controlled substance, that is, one hundred grams or more of a mixture and substance containing a detectable amount of heroin; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

A TRUE BILL



FOREPERSON



GUY A. LEWIS
UNITED STATES ATTORNEY



STEPHEN S. STALLINGS
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. 02-20377

CR. MORENO

v.

EMANUEL BISONO

CERTIFICATE OF TRIAL ATTORNEY*

Court Division: (Select One)

 Miami Key West
 FTL WPB FTP

Superseding Case Information: MAGISTRATE JUDGE

New Defendant(s) Yes No GARBER
Number of New Defendants _____
Total number of counts _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) No
List language and/or dialect _____
4. This case will take 2 days for the parties to try.

5. Please check appropriate category and type of offense listed below:
(Check only one) _____ (Check only one) _____

I	0 to 5 days	<input checked="" type="checkbox"/>	Petty	APR 25 PM 3:21 FILED BY
II	6 to 10 days	_____	Minor	
III	11 to 20 days	_____	Misdem.	
IV	21 to 60 days	_____	Felony	
V	61 days and over	_____	X	

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge: _____ Case No. _____
(Attach copy of dispositive order)Has a complaint been filed in this matter? (Yes or No) Yes

If yes:

Magistrate Case No. 02-2498-TFB

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of 04/10/02

Defendant(s) in state custody as of _____

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes No If yes, was it pending in the Central Region? Yes No

8. Did this case originate in the Narcotics Section, Miami? Yes No

STEPHEN S. STALLINGS
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 0958859

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

02-20377 CR-MORENO

Defendant Name: EMANUEL BISONO

Case No. _____

Count #: I	MAGISTRATE JUDGE GARBER
21 USC 952(a) / Importation of Heroin	
*Max Penalty: 40 Years' Imprisonment	
Count #: II	
21 USC 841(a)(1) / Possession with the Intent to Distribute Heroin	
*Max Penalty: 40 Years' Imprisonment	
Count #:	
*Max Penalty:	
Count #:	FILED APR 25 PM 3:2 CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA
*Max Penalty:	
Count #:	
*Max Penalty:	
Count #:	
*Max Penalty:	

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

No. 02-20377 CR-MORENO

UNITED STATES DISTRICT COURT

SOUTHERN -- District of -- FLORIDA

Division

MAGISTRATE JUDGE,
GARBER

THE UNITED STATES OF AMERICA

vs.

EMANUEL BISONO

INDICTMENT

In violation of 21 USC 952(a)
21 USC 841(a) (1)

A true bill.

Gale M. Fore

FGJ 02-03 (MIA)
Foreman

Filed in open court this 25th day,

of April A.D. 2002 *J.L.*
Stephanie L.
Clerk

Bail, \$ -----

GRAND JURY INDICTMENT NO. 0203-mcn-07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 02-2498-TEB

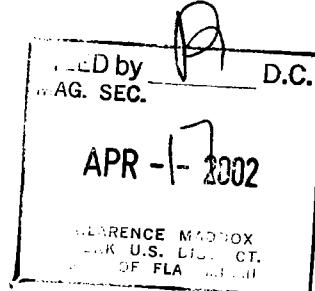
UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMANUEL BISONO,

Defendant.



ORDER ON DEFENDANT'S MOTION TO PRESERVE EVIDENCE

THIS CAUSE is before the Court on the Defendant's motion to preserve evidence. The Court being fully advised in the premises, it is,

ORDERED AND ADJUDGED that the defendant's motion is hereby **GRANTED**. The government shall preserve and shall immediately direct its agents to preserve all of the alleged contraband evidence in this case as well as any other personal property, documents or effects of the defendant seized at the time of his arrest.

DONE AND ORDERED at Miami, Florida this 17 day of April, 2002.

T. L. Blas
UNITED STATES ~~DISTRICT~~ JUDGE
MAGISTRATE

cc: T. Omar Malone, SAFPD
United States Attorney's Office

L. Blas

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 02-2498-TEB

UNITED STATES OF AMERICA,

Plaintiff,

v.

EMANUEL BISONO,

Defendant.

RECEIVED
FILED

APR 26 2002

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

DEFENDANT'S MOTION TO PRESERVE EVIDENCE

The defendant through counsel and pursuant to Rule 16 of the Federal Rules of Criminal Procedure, moves for an order directing the government to preserve and to immediately direct its agents to preserve all of the alleged contraband evidence in this case in addition to all items of personal clothing and effects that were in the actual or constructive possession of the defendant at the time of the defendant's arrest. In support of this motion, undersigned counsel represents as follows:

1. The defendant has been charged with importation of and possession of with intent to distribute illegal drugs.
2. The defendant was arrested at Miami International Airport after disembarking from an airplane which arrived from abroad. Upon the defendant's arrest, all of his baggage and personal property were seized and taken from him.

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3. It is necessary that all the alleged contraband in this case rather than just a representative sample be preserved so that the defendant has the opportunity to have an independent weighing of the contraband to confirm its exact weight.

4. It is also necessary that all items that “were obtained from or belonged” to the defendant be preserved to permit authorized discovery. *See* Federal Rule of Criminal Procedure 16 and the Standing Discovery Order. *See also United States v. Rodriguez*, 799 F.2d 649, 652 (11th Cir. 1986). Documents, packaging, suitcases and items of clothing seized from the defendant are material to the preparation of the defense as they may play an important role in uncovering admissible evidence, aiding in witness preparation or assisting in impeachment. *See United States v. Felt*, 491 F.Supp. 179 (D.D.C. 1979).

5. Furthermore, preservation of all personal property in the defendant’s possession at the time of his arrest and seized from or taken from him in connection with the charges against him is necessary to the defense as that personal property may well be evidence of his lack of specific intent to import and/or distribute drugs.

6. A proposed order is attached hereto as Exhibit “A”.

WHEREFORE, the defendant respectfully requests this Court to enter an order directing the government to preserve and to immediately direct its agents to preserve all of the alleged contraband evidence in this case as well as any personal property, documents or effects that were in the

defendant's actual or constructive possession at the time of his arrest.

Respectfully submitted,

KATHLEEN WILLIAMS
FEDERAL PUBLIC DEFENDER

By: _____


T. Omar Malone

Supervisory Assistant Federal Public Defender
Court Assigned No. A5500264
150 West Flagler Street, Suite 1700
Miami, Florida 33130-1555
Telephone: (305) 530-7000
FAX: (305) 536-4559

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing instrument was mailed this 16th day of April, 2002,
to U. S. Attorney's Office, 99 N. E. 4th Street, Miami, Florida 33132-2111.


T. Omar Malone

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 02-2498-TEB

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMANUEL BISONO,

Defendant.

RECORDED
FILED
APR 26 2002
CLARENCE M. COON
CLERK, U.S. DISTRICT COURT

**DEFENDANT'S INVOCATION OF
RIGHTS TO SILENCE AND COUNSEL**

The Defendant named above does hereby invoke his rights to remain silent and to counsel with respect to any and all questioning or interrogation, regardless of the subject matter, including, but not limited to: matters that may bear on or relate to arrest, searches and seizures, bail, pretrial release or detention, evidence at trial, guilt or innocence, forfeitures; or that may be relevant to sentencing, enhanced punishments, factors applicable under the United States Sentencing Guidelines, restitution, immigration status or consequences resulting from arrest or conviction; appeals or other post-trial proceedings.

The Defendant requests that the United States Attorney ensure that this invocation of rights is honored, by forwarding a copy of it to all law enforcement agents, government officials, or

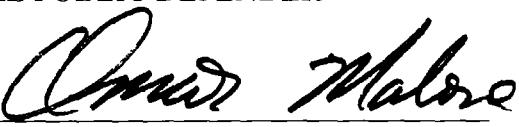
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employees associated with the investigation of any matters relating to the defendant. Any contact with the Defendant must be made through the defendant's lawyer, undersigned counsel.

Respectfully submitted,

KATHLEEN M. WILLIAMS
FEDERAL PUBLIC DEFENDER

By:

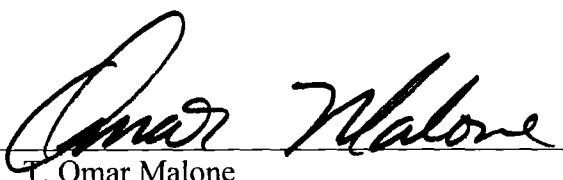


T. Omar Malone
Supervisory Assistant Federal Public Defender
Court Assigned No. A5500264
150 West Flagler Street, Suite 1700
Miami, Florida 33130-1556
Telephone: (305) 530-7000
FAX: (305) 536-4559

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing instrument was forwarded this 16th day of April, 2002, upon United States Attorney's Office, 99 N.E. 4th Street, Miami, Florida 33132-2111.

By:



T. Omar Malone

koia.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 02-2498-TEB

UNITED STATES OF AMERICA

Plaintiff,

v.

EMANUEL BISONO

Defendant.

ORDER ON INITIAL APPEARANCE

Language English

Tape No. 02B-21-2067

AUSA Brown

Agent USCS/ALICIA R VEREEN

(786) 229-4983

DOB: 07/29/77

REG # 68511-004

FILED by	<u>CM</u>
MAG. SEC.	D.C.
APR 15 2002	
CLARENCE MADDOX CLERK U.S. DIST. CT. S.D. OF FLA. - MIAMI	

The above-named defendant having been arrested on 04/10/02 having appeared before the court for initial appearance on 4/15/02 and proceedings having been held in accordance with **F.R.C.P. 5 or 40(a)**, it is thereupon

ORDERED as follows:

1. _____ appeared as permanent/temporary counsel of record.

Address: _____

Telephone: _____

2. APPD appointed as permanent counsel of record.

Address: _____

Zip Code: _____ Telephone: _____

3. The defendant shall attempt to retain counsel and shall appear before the court at 10:00 A.M. on

4/29, 2002.

4. Arraignment/Preliminary/Removal/Identity hearing is set for 10am 4/29, 2002.

5. The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because _____

A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am 4/29, 2002.

6. The defendant shall be release from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. Section 3142(f).

60,000.00 / Nebraska

All further conditions to be set at Nebbia hearing

this bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

- a. Surrender all passports and travel document to the Pretrial Services Office.
- b. Report to Pretrial Services as follows: _____ times a week by phone, _____ time a week in person; other: _____
- c. Submit to random urine testing by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.
- d. Maintain or actively seek full time gainful employment.
- e. Maintain or begin an educational program.
- f. Avoid all contact with victims of or witnesses to the crimes charged.
- g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
- h. Comply with the following curfew: _____

3/10/02

EMANUEL BISONO

I. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.
j. Comply with the following additional special conditions of this bond:

This bond was set: At Arrest _____
On Warrant _____
After Hearing _____

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is _____

If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.

8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

DONE AND ORDERED at Miami, Florida, this 15TH day of APRIL, 2002.

...e.Bd--
TED E. BANDSTRA
UNITED STATES MAGISTRATE JUDGE

c: Assistant U.S. Attorney
Defendant
Counsel
U.S. Marshal
Pretrial Services/Probation

SIGNATURE OF CASE AGENT:

Alicia K. K.
UNITED STATES DISTRICT COURT
Southern District of Florida

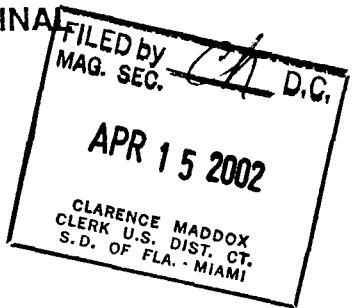
UNITED STATES OF AMERICA
Plaintiff

V.S.

Emanuel Biscaro
Defendant

Case Number: CR 02-2498-TEB

REPORT COMMENCING CRIMINAL
ACTION



68511-004

TO: Clerk's Office, U.S. District Court: Miami Ft. Lauderdale W. Palm Beach

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN MAGISTRATES COURT ABOVE

All items are to be completed. Information not applicable or unknown will be indicated "N/A"

(1) Date and Time of Arrest: 4-10-02 1830 hours
(2) Language Spoken: English / Spanish
(3) Offense(s) Charged: 21USC952-UNLAWFUL IMPORTATION OF NARCOTICS
21USC841(A)-POSSESSION W/INTENT TO DIST. NARCOTICS
(4) U.S. Citizen: Yes No Unknown
(5) Date of Birth: 7-29-77
(6) Type of Charging Document: (Circle One)
 Indictment Complaint To Be Filed Already Filed

Case #:

Bench Warrant for Failure to Appear
 Probation Violation Warrant
 Parole Violation Warrant

Originating District:

COPY OF WARRANT LEFT WITH BOOKING OFFICER: Yes No

Amount of Bond: \$ _____ Who Set Bond? _____

(7) Remarks: _____
(8) Date: 4-12-02 (9) Arresting Officer: S/A Alicia R. Vereen
(10) Agency: U.S. Customs Service (11) Telephone #: (786) 229-4983

J DM

United States District Court

SOUTHERN
UNITED STATES OF AMERICA

DISTRICT OF

FLORIDA

FILED by *Ch* D.C.
APR 15 2002
CLARENCE MADDOX
CLERK U.S. DIST. CT,
S.D. OF FLA. - MIAMI

v.

EMANUEL BISONO

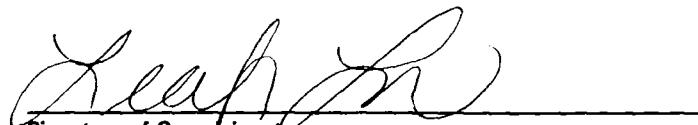
CRIMINAL COMPLAINT

CASE NUMBER: *02-2498-TEB*

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about April 10, 2002, at Miami International Airport, Miami-Dade County, in the Southern District of Florida and elsewhere, the defendant did knowingly and intentionally import into the United States from a place outside thereof a Schedule I controlled substance, that is, a mixture and substance containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 952(a); and did knowingly and intentionally possess with the intent to distribute a Schedule I controlled substance, that is, a mixture and substance containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(a)(1).

I further state that I am a Special Agent and that this complaint is based on the following facts:

On or about April 10, 2002, the defendant EMANUEL BISONO, arrived at Miami International Airport aboard Avianca Flight #004 from Cartagena, Colombia. After being admitted into the United States by the Immigration & Naturalization Service, the defendant presented himself and his luggage to the U.S. Customs Service for examination. During a secondary examination, U.S. Customs Inspectors suspected the defendant to be an internal carrier of narcotics. An x-ray taken of the defendant indicated several pellets distributed throughout his intestinal tract. Forty-seven (47) pellets were subsequently recovered from the defendant's body. A field test of the white powdery substance found in the pellets proved positive for the presence of heroin. The estimated gross weight of the white powdery substance found inside the pellets was 1.24 pounds.


Signature of Complainant
LEAH LOW, SPECIAL AGENT
UNITED STATES CUSTOMS SERVICE

Sworn to before me, and subscribed in my presence,

April 14, 2002
Date

at Miami, Florida
City and State

HON. TED E. BANDSTRA
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer


KDM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 02-2498-TEB

UNITED STATES OF AMERICA

v.

EMANUEL BISONO

Defendant.

CRIMINAL COVER SHEET

1. Did this case originate from a matter pending in the United States Attorney's Office prior to April 1, 1999? Yes No
2. Did this case originate from a matter pending in the Central Region of the United States Attorney's Office prior to April 1, 1999? Yes No

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

BY:



LAUREN E. FLEISCHER
ASSISTANT UNITED STATES ATTORNEY
Court ID No. A5500610
99 N. E. 4th Street, Ste. 638
Miami, Florida 33132-2111
TEL (305) 961-9163
FAX (305) 530-7976
E-MAIL ADDRESS: Lauren.Fleischer@usdoj.gov